

No. 14/13/87-6 Lab./975.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-I, Faridabad in respect of the dispute between the workman and the management of M/s Haryana Zink Pvt. Ltd., Faridabad Vs. Joginder Pandit:—

BEFORE SHRI N. L. PRUTHI, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-I, FARIDABAD

Reference No. 183/93

In the matter of Industrial Dispute

between

SHRI JOGINDER PANDIT, SATBIR COLONY, SARAI KHAWAJA, DISTRICT FARIDABAD

and

.. Workman

M/S HARYANA ZINK PVT. LTD., 12/2 MATHURA ROAD, FARIDABAD

.. Management

Present :

Shri S. K. Chauhan, Authorised Representative for the workman.

Management *Ex parte*.

AWARD

Under the provisions of section 10(1) of Industrial Disputes Act, 1947, the Government of Haryana have,—vide Endst. No. ID/FD/97—93/37488—93, dated 27th September, 1993 referred the following dispute between the parties above mentioned for adjudication :—

Whether the termination of the services of Shri Joginder Pandit, is legal and justified ? If not so to what relief is he entitled ?

2. The case of the workman is that he was appointed as Helper on 9th April, 1992 and ever since then had been discharging his duties faithfully and his last drawn monthly wages were Rs.992. It has also been contended by him that right from the beginning he had been doing over time for four hours a day. Instead of paying him over-time allowance regularly, the management had been giving him an assurance that he would be made payment for the whole of the year and that he should have no worry on this account. Further allegation of the workman is that his over-time which had become payable was for 97 full days and seven hours and when he had demand payment from the management on 30th April, 1993 the management become annoyed with him and without any rhyme or reason terminated his services on 1st May, 1993. It is on these facts that the workman has claimed his reinstatement with continuity of service and full back wages. He has also claimed payment of over-time allowance.

3. Notice of the case was given to the management quite a number of times. Regd./AD letter was also sent to the management but the same was received back with the report of the postman that despite intimation no one from the management had come to the post office to collect the envelope. Taking the intimation so given as sufficient the management was proceeded *ex parte* on 2nd May, 1994. The workman was thereafter called upon to lead *ex parte* evidence.

4. In his examination as WW-1, the workman Joginder Pandit reiterated all the facts as are contained in the statement of claim. So, when the management has chosen not to contest the case pleas taken in statement of claim stand proved from the un rebutted testimony of workman examined as WW-1. Consequently order of the management to terminate the services of the workman Joginder Pandit being illegal and unjustified is sent aside, and the workman is held entitled to be reinstated with continuity of service and full back wages. An award is passed accordingly.

N. L. PRUTHI,

The 2nd November, 1994.

Presiding Officer,
Industrial Tribunal-cum-Labour Court-I,
Faridabad.

Endorsement No. 3752, dated the 8th November, 1994.

A copy with, three spare copies, is forwarded to the Commissioner and Secretary to Government Haryana, Labour Department, Chandigarh.

N. L. PRUTHI,

Presiding Officer,
Industrial Tribunal-cum-Labour Court-I,
Faridabad.

The 2nd December, 1994

No. 14/13/87-6Lab./976.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-I, Faridabad in respect of the dispute between the workman and the management of M/s Haryana Zink Pvt, Ltd., Faridabad Vs. Bhoran Pandit:—

BEFORE SHRI N. L. PRUTHI, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL -CUM-LABOUR COURT-I, FARIDABAD

Reference No. 182 of 93

In the matter of Industrial Dispute

between

SHRI BHORAN PANDIT, SATBIR COLONY, SARAI KHAWAJA, DISTRICT FARIDABAD

.. Workman

versus

M/S HARYANA ZINK PVT. LTD., 12/2 MATHURA ROAD, FARIDABAD.

.. Management

Present :

Shri S. K. Chauhan AR for the workman.

Management *Ex parte*.

AWARD

Under the provisions of section 10(1) of Industrial Disputes Act, 1947, the Government of Haryana have,—*vide* Endst. No- ID/FD/97—93/31494-99, dated 27th September 1993, referred the following dispute between the parties above named for adjudication:—

Whether the termination of services of Shri Bhoran Pandit is legal and justified ? If not, to what relief, is he entitled to ?

2. The case of the workman is that he was appointed as a Helper in the month of January, 1989 and his last drawn wages were Rs.992/—P-m. According to the workman, the management had not issued any appointment letter and that even during the service period it had not been issuing wage slip, leave book, etc. It used to take work for 12 hours a day instead of 8 hours but without paying over-time even at single rate although he was entitled to double over-time under the statutory provision. Further case of the workman is that he demanded double over-time many times and every time he was given an assurance that the same would be paid. Instead, the management had refused it on 30th April 1993 to pay double over-time, and also terminated his services with effect from 1st May, 1993, without any reason or issuance of termination letter and even without paying any compensation as provided in section 25-F of I. D. Act. It has also been alleged by the workman that the management obtained his thumb impressions on some blank papers and vouchers and on register of payment without paying anything in the year 1992. It is on the above facts that the workman has claimed his reinstatement with full backages and continuity of service.

3. Despite having been informed by the postal authorities the management did not care to collect Regd. AD letter from the post office, with the result that the Management was proceeded *ex parte* on 2nd May, 1994 and the workman was called upon to lead *ex parte* evidence.

4. In his examination as WW-1, the workman reiterated all the facts as are contained in the statement of claim. So, when the management has chosen not to contest the case, pleas taken in the claim statement stand proved from the testimony of workman examined as WW-1. As such order of the management to terminate the services of workman Bhuran Pandit being illegal and unjustified is set aside. The workman is held entitled to be reinstated with continuity of service and full back wages. An award is passed accordingly.

[N. L. PRUTHI,

The 2nd November, 1994.

Presiding Officer,
Industrial Tribunal-cum-
Labour Court-I, Faridabad.

Endorsement No. 3753, dated the 8th November, 1994.

A copy, with spare three copies, is forwarded, to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments Chandigarh.

N. L. PRUTHI,

Presiding Officer,
Industrial Tribunal-cum-
Labour Court-I, Faridabad,

The 2nd December, 1994

No. 14/13/87-6Lab/979.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-I, Faridabad in respect of the dispute between the workman and the management of M/s Trufeb Pvt. Ltd., Faridabad *Versus* Pravesh Kumar Garg:—

BEFORE SHRI N. L. PRUTHI, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-I, FARIDABAD

Reference No. 10 of 94

IN THE MATTER OF INDUSTRIAL DISPUTE

between

SHRI PRAVESH KUMAR GARG, H. NO. 40, GALI NO. 2,
BHUR COLONY, FARIDABAD

.. *Workman*

and

M/S TRUFEB PVT. LTD.,
-13/3, SUBASH NAGAR, FARIDABAD

.. *Management*

Present :

Sh. H. L. Kapoor, A.R. for the Management.

None for the Workman.

AWARD

Under the provisions of Section 10(1) of Industrial Disputes Act, 1947, the Government of Haryana have,—*vide* Endst. No. ID/4181-86, dated 9th February, 1994, referred the following dispute between the parties above mentioned for adjudication:—

Whether the termination of services of Shri Pravesh Kumar Garg is legal and justified. If not, to what relief he is entitled?

2. The matter has been settled between the parties. The workman was paid an amount of Rs. 3700 in cash in full and final settlement of his claim. Ex. S-1 is the settlement signed by both

the parties and receipt Ex. S-2 signed by the workman. Statement of Shri H. L. Kapoor, AR for the management has also been recorded. No more dispute now survives in this case. An award is passed accordingly. Settlement Ex. S-1 and receipt Ex. S-2 shall form part of the award.

Dated 28th October, 1994.

N. L. PRUTHI,

Presiding Officer,
Industrial Tribunal-cum-
Labour Court-I, Faridabad.

Endorsement No. 3745, dated the 31st October, 1994.

A copy, with three spare copies, is forwarded, to the Commissioner and Secretary to Government, Haryana, Labour Department, Chandigarh.

N. L. PRUTHI,

Presiding Officer,
Industrial Tribunal-cum-
Labour Court-I, Faridabad.

The 7th December, 1994

No. 14/13/87-6 Lab./983.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar in respect of the dispute between the workman and the management of The Manager, Skipper Beverages Pvt. Ltd., Hansi *versus* Shri Ramu:—

BEFORE SHRI B. R. VOHRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, HISAR

Reference No. 278 of 93

Date of receipt : 2-12-93

Date of decision : 7-11-94

SHRI RAMU C/O SHRI K. S. BENIWAL, ADVOCATE, HISAR

.. Applicant

versus

1. MANAGER SKIPPER BEVERAGES PVT. LTD., HISAR ROAD, HANSI

2. THE MANAGING DIRECTOR, SKIPPER BEVERAGES (P) LTD., A-831, NABI KARIM,
PAHAR GANJ, NEW DELHI-110053 .. Respondent-Management

Present :

None on behalf of the parties.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between Ramu and the above mentioned management for adjudication to this Court,—*vide* Labour Department letter No. Hsr/44735—41, dated 18th October, 1992 :—

Whether termination of services of Shri Ramu is justified and in order? If not to what relief is he entitled?

2. The case of the petitioner is that his services were terminated by the management in an illegal manner.

3. On receipt of reference from the Government, parties were summoned and the management was proceeded against *ex parte*,—vide order dated 13th June, 1994.

4. Today, the case was fixed for filing of claim statement by the workman, when neither the workman, nor his authorised representative put in appearance despite the fact that this was given as last opportunity. As the parties have not appearance, I have no other alternative, but to hold that the parties are not interested in the decision of the case. I hold accordingly, The reference is answered accordingly, with no order as to costs.

B. R. VOHRA,

The 7th November, 1994.

4.30 P.M.

Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Hisar.

Endorsement No. 2371, dated the 10th November, 1994.

A copy, with spare copy, is forwarded to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh for necessary action.

B. R. VOHRA,

Presiding Officer,
Industrial Tribunal-cum-Labour Court
Hisar.

No. 14/13/87-6Lab./988.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar in respect of the dispute between the workman and the management of The Manager, Skipper Beverages (P) Ltd., Hansi *versus* Shri Rajesh Kumar :—

BEFORE SHRI B. R. VOHRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, HISAR

Reference No. 285 of 93

Date of Receipt : 2-12-93

Date of Decision : 7-11-94

SHRI RAJESH KUMAR, C/O SHRI K. S. BENIWAL, ADVOCATE,
HISAR

.. Applicant

versus

1. MANAGER, SKIPPER BEVERAGES (P) LTD., HISAR ROAD,
HANSI

2. THE MANAGING DIRECTOR, SKIPPER BEVERAGES (P) LTD.,
A-831, NABI KARIM, PAHAR GANJ, NEW DELHI-110055

.. Respondent-management

Present :

None on behalf of the parties

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 the Governor of Haryana referred the following disputes between Rajesh Kumar and the above-mentioned management for adjudication to this Court,—*vide* Labour Department letter No. Hsr/44686—92, dated 18th November, 1993 :—

Whether termination of services of Rajesh Kumar, is justified and in order? If not, to what relief is he entitled?

2. The case of the petitioner is that his services were terminated by the management in an illegal manner.

3. On receipt of reference from the Government, parties were summoned and the management was proceeded against *ex parte*,—*vide* order dated 13th June, 1994.

4. Today, the case was fixed for filing of claim statement by the workman, when neither the workman nor his A. R. put in appearance despite the fact that this was given as last opportunity. As the parties have not appeared. I have no other alternative, but to hold that the parties are not interested in the decision of the case. I hold accordingly, The reference is answered accordingly, with no order as to costs.

The 7th November, 1994
4-30 P. M.

B.R. VOHRA,
Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Hisar.

Endorsement No. 2375, dated the 10th November, 1994.

A copy, with spare copy, is forwarded to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh for necessary action.

B.R. VOHRA,
Presiding Officer,
Industrial Tribunal-Cum-
Labour Court, Hisar.

The 24th October, 1994

No. 14/13/87-6Lab./737.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar in respect of the dispute between the workman and the management of M/s Chairman Board of School Education, Haryana Bhiwani *versus* Ram Bilas.

BEFORE SHRI B. R. VOHRA PRESIDING OFFICER, INDUSTRIAL-TRIBUNAL-CUM-LABOUR COURT HISAR.

Reference No. 254 of 1990

Date of receipt: 9-10-89

Date of decision: 7-9-94

SHRI RAM BILAS S/O ROHTASH SINGH, VILLAGE KALUWAS DISTRICT
BHIWANI.

.. Applicant

Versus

CHAIRMAN, BOARD OF SCHOOL EDUCATION, HARYANA, BHIWANI

.. Respondent-Management

Present :

Shri S. S. Gupta, for the workman

Shri D. S. Pawar, for the management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (for short, the Act) the Governor of Haryana referred the following dispute between Ram Bilas and the above mentioned management for adjudication to this Court *vide*,—Labour Department letter No. BWN/204—89/41966-71, dated 3rd October, 1989 :—

Whether termination of services of Ram Bilas, Chokidar is justified and in order ? If not, to what relief is he entitled?

2. According to the workman, he was appointed as Chowkidar on 2nd March, 1988 under the management and that his services were terminated on 23rd December, 1988 illegally, in violation of the provisions of the Act. He further stated that neither any notice was given to him, nor any retrenchment compensation was paid to him while terminating his services. He also alleged that many juniors to him were retained by the management at the time of termination of his services. The workman prayed for reinstatement with full back wages and other consequential benefits.

3. The management, in its written statement, pleaded that the petitioner was engaged on 2nd March, 1988 on daily wages for examination work and he worked for 336 days only upto 22nd December, 1988. The management further extended that as the petitioner had not completed 240 days, the claim of the petitioner is illegal. Several preliminary objections are also raised by the management, as they are reflected in the following issues, framed on 20th March, 1991 by my learned predecessor :—

- (1) As per terms of reference.
- (2) Whether the claim is barred by time ?
- (3) Whether the petitioner is estopped and has no locus standi ?
- (4) Relief.

4. The parties led evidence in support of their rival claims. I have heard Shri S. S. Gupta, Authorised Representative of the workman and Shri D. S. Pawar, Authorised Representative of the management and have gone through the case file. My findings on the above issues are as under :—

Issue No. 1:

5. Ram Bilas, Workman appeared as WW-1 and has stated that he was appointed as Chowkidar on 2nd March, 1988 on daily wages and that services were terminated by the management on 23rd December, 1988 without giving him any notice and without payment of any retrenchment compensation.

6. The management examined Shri Raj Kumar, Assistant, who stated as MW-1 that the petitioner was engaged on daily wages during examination and he worked from March 88 to December, 1988 for 236 days.

7. Admittedly, the petitioner had worked for 236 days during the period from 2nd March, 1988 to 22nd December, 1988 and Shri Raj Kumar, MW-1 has not uttered a word that the work was not available with them on 23rd December, 1988. Keeping the above circumstances in view when the job was available, I, am of the view that action of the management in preventing the workman from attending to his duties with effect from 23rd December, 1988 was an "unfair labour practice", and on this account, the retrenchment of the workman is illegal. In this connection I place reliance on the Division Bench Authority of Kapurthala Central Cooperative Bank Ltd., Kapurthala *versus* Presiding Officer, Labour Court, Jalandhar and Other, 1984-Lab. I.C.—974 and subsequent authorities of Ferozepur Central Cooperative Bank Ltd. *versus* Labour Court Bhatinda, FJR (Vol-67)—367 Gurdaspur and Central Cooperative Bank Ltd. *versus* Presiding Officer, Labour Court, Gurdaspur and Others 1991 (1) RSJ-76. In the authority of Kapurthala Central Cooperative Bank Limited *versus* Presiding Officer, Labour Court, Jalandhar (SUPRA) the workman had completed 230 days job, while in the authority of Ferozepur Central Cooperative Bank Ltd., *versus* Labour Court, Bhatinda (SUPRA), the workman had put in 232 days in service. On the strength of these two authorities, it can be said without any hesitation, that the termination of services of the workman, amounted to "unfair labour practice", and the same was illegal. The workman is, thus, entitled to reinstatement with consequential benefits.

8. In view of the above discussion, the termination of services of the petitioner is held illegal and he is entitled to reinstatement with full back wages and other consequential benefits. The issue is answered accordingly, in favour of the workman.

Issue No. 2 and 3:

9. Both these issues were not pressed by the A. R. of the management and were conceded to by him during arguments. Both these issues are, therefor, answered against the management.

Issue No. 4 Relief:

10. In view of my findings on the above issue, the termination of services of the petitioner is held illegal. The same he is hereby set aside. The petitioner is reinstated in the same post forthwith, with full back wages and benefit of continuity of services and other consequential benefits. The reference is answered accordingly, with no order as to costs.

The 7th September, 1994.

B. R. VOHRA,

Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Hisar.

Endorsement No. 2076, dated the 9th September, 1994.

A copy, with spare copy, is forwarded to the Financial Commissioner and Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh for necessary action.

B. R. VOHRA,

Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Hisar.

P. R. KAUSHIK,

Financial Commissioner and Secretary to Government,
Haryana, Labour and Employment Department.